

Approved _____

Date

4/27/90

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at _____
Chairperson

3:40 ~~am~~/p.m. on April 4, 1990 in room 526S of the Capitol.

All members were present except:

Committee staff present:

Norman Furse, Revisor's Office
Emalene Correll, Legislative Research
Sandra Nash, Committee Secretary

Conferees appearing before the committee:

The Chairman called the Committee to order, requesting approval of the minutes for March 26, 27(10:00a.m.), 27(4:20p.m.), 28, and 29, 1990. Senator Hayden made the motion to approval the minutes. Senator Burke seconded the motion. The motion carried.

The Chairman called the Committee's attention to HCR 5051.

The Chairman called the Committee's attention to a letter from Aline Toedter of Marysville, speaking in support of HCR 5051. (Attachment 1)

The Chairman called the Committee's attention to a letter from Orville L. Voth, The Silver-Haired Legislature, Inc., speaking in support of HCR 5051. (Attachment 2)

The Chairman called the Committee's attention to the opponent Mary Jane Hamilton. She was speaking against the bill because she felt it would place a burden on the people that are paying into the system now. (Attachment 3)

Senator Hayden pointed out the the money received by the persons on Social Security is recycled back into the economy so it does evolve and come back. Because they will receive more money, they will spend more money.

Ms. Hamilton said if something is done for this age group, those born after 1921 could form another Notch and it could go on and on and on. When Social Security was first formed, it was expected that each beneficiary would get 39% of their highest earnings. The new formula, will be about 41% of his earnings.

Staff Correll asked if Ms. Hamilton had any current data on how long a person who has retired receives Social Security, where he uses up his contribution.

Ms. Hamilton said in her case, if I had paid the top Social Security which was allowed, I would use it up in two years of what I had put in and in four years what my company and myself had put in.

Staff Correll said so the remainder comes from people who are currently paying into the Social Security Trust Fund.

Ms. Hamilton said we are all getting more than we have ever put in.

The Chairman called the Committee's attention to H.B. 3002, calling proponent Mary Ann Gabel, Behavioral Sciences Regulatory Board.

Mrs. Gabel appeared in support of the bill, citing the needs of the

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526S, Statehouse, at 3:40 a.m./p.m. on April 4, 1990

Behavioral Sciences Regulatory Board. (Attachment 4)

Staff Furse said Section 6, 8 and 9 appear to be amended back to the original statutory language. Is there any reason they need to stay in the bill? They're not amended anywhere else, are they?

Mrs. Gabel said that was a compromise. There is no reason to keep them.

Staff Furse said they are returned to current law.

Mrs. Gabel said that is correct.

Senator Hayden made the motion to remove Sections 5, 6, 8, 9 and renumber the Sections. Senator Anderson seconded the motion. The motion carried.

The Chairman called the next proponent, Gigi Felix, Kansas-NASW. She appeared in support of H.B. 3002, citing the needs of the Behavioral Sciences Board and the need to maintain the testing of social workers in a state agency, and not in the hands of a private organization. Ms. Felix pointed out that there are 10 Baccalaureate Social Work Programs and one Masters Social Work Program in the state currently. (Attachment 5)

The Chairman said that there is an amendment from Staff on H.B.3002.

Staff Furse said the Legislature last year amended two sections on the psychologists' registration act, or amended one section of the psychologists' registration act twice. K.S.A. 74-5363 and 74-5363(a). The amendments were not conflicting in nature but those two sections need to be pulled together. Actually it was amended twice in 1988 Session, not last year. As you know, sometimes these happen where we can't catch up to them in conference or someplace to reconcile them. So this would not be new statutory language. None of this would be new, it would simply pull the one section into 74-5363 and repeal the other section. But there is no statutory change amending the bill otherwise. He wondered if the Committee wanted to consider that at this time. (Attachment 6)

Senator Hayden made the motion to amended the bill according to recommendation by Staff Furse. Seconded by Senator Anderson. The motion carried.

The Chairman called the Committee's attention to H.B. 3003, calling the Committee's attention to letter from John Grace, Kans. Assn. of Homes for the Aging, in support of the bill. (Attachment 7)

The Chairman called the next proponent, Dick Hummel, Kansas Health Care Assn.

Mr. Hummel said that he is appearing in support of H.B.3003, their organization represents over 220 adult care homes in the state, both non-profit and profit. And support the program in concepts which has been heralded as one of the best in the nation. (Attachment 8)

The Chairman called the next proponent, Lyndon Drew, Department of Aging. Mr. Drew said there are many changes in the bill from what they had proposed earlier in the year. They are in agreement with all those changes, except for a few reservations. They feel the language of the bill does fail to fulfill the intent of the Older American's Act. The second reservation deals with retaliation. (Attachment 9)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526S Statehouse, at 3:40 ~~am~~/p.m. on April 4, 1990

Senator Hayden asked if we are out of conformance with the Older American's Act, can we pass it as is or are we out of conformance with it?

Mr. Drew said that one interpretation you could make, quoting from a Committee report in the Senate, The Older American's Act of 1987, it says the amendments recognize the importance of local sub-state ombudsman programs and requires that such local programs be included as sub-divisions for the office. And there is the same thing from the House.

The Chairman called the Committee's attention to H.B. 3003 proponent letter from Marilyn Bradt, Kansans for Improvement of Nursing Homes, Inc. (Attachment 10)

Staff Furse said on Page one, Line 19, if the bill stays as is, six needs to be changed to 5.

Senator Hayden made the motion to change 6 to 5 as recommended by Staff Furse. Senator Anderson seconded the motion. The motion carried.

Senator Anderson made the motion to pass H.B. 3003 out of Committee as amended favorably. Senator Hayden seconded the motion. The motion carried. Senator Hayden will carry.

The Chairman asked the wishes of the Committee on H.B. 3002.

Senator Anderson made the motion to pass H.B. 3002 as amended out of Committee favorably. Senator Hayden seconded the motion. The motion carried. Senator Anderson will carry.

The Chairman asked the wishes of the Committee on HCR5051.

Senator Kanan made the motion to pass HCR 5051 out of Committee favorably. Senator Walker seconded the motion. The motion carried. Senator Kanan will carry.

The meeting adjourned at 4:15p.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 4/4/90
3:30 PM

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Mary Ann Baker	BSRB
May Jane Hamilton	
Jeri Shaughnessy	Washburn Clinic
Renee Reisman	WU
L. Hodges	WU
Alia Jamiller Tuttle	KDOT
Lynette Druce	KDOT
Linda Anila	WU
John Druce	KAHA
Jim Langford	Budget
Marilyn Bradt	KINH
Brenda May	WU
Robin Gilbert	WU
Dick Vennart	KACA
Richard Morrissey	KDHE
Linda Perrier	S.R.S.
Ann Felix	K-NASW
Mike Lockner	
KEITH R LANDIS	

Please continue on next page.

Bill Dean O.P.
Jim McBride

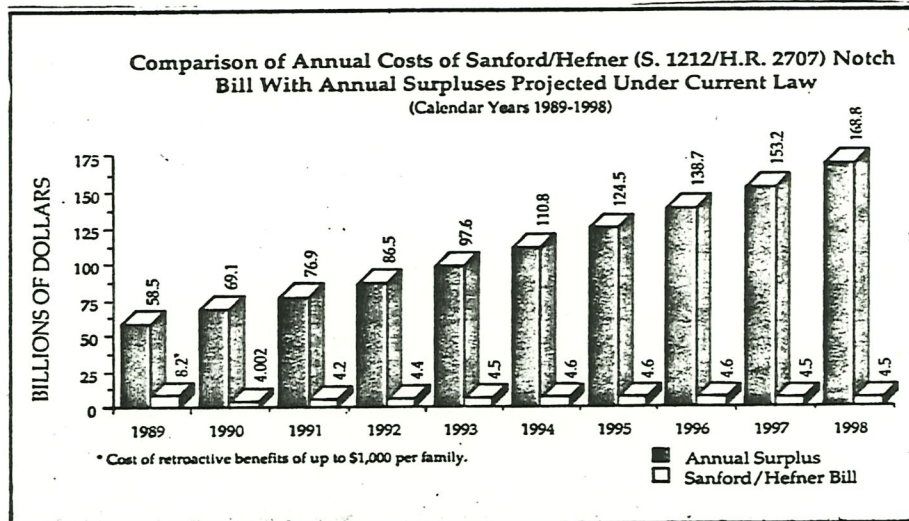
CONFESSION SENATE COMMITTEE
ON PUBLICATION FOR KANSAS
KSP-A
observed

Proponent for HCR-5051 NOTCH YEAR RESOLUTION

Aline Toedter of Marysville, Marshall County, and a charter member of Silver Haired Legislature, am unable to come to Topeka on Wednesday, April 4 to testify in person in support of HCR-5051 Notch Year Resolution. I wish to submit the following statement favoring the resolution.

The Notch was created by amendments to the Social Security Act and is a benefit inequity in which retirees born after 1916 receive smaller benefits than those born before them. There is a true example of two sisters who worked for the same company for 25 years and made virtually identical contributions to Social Security, and even retired on the same day. Edith was born in 1917, receives \$155.00 per month less in SS benefits than Audrey who was born in 1916. Edith's benefits have been cut 20.7% simply because she was born one year too late.

Last year a Sanford-Hefner bill was introduced in Congress which would restore SS benefits to more than 12 million older Americans including the generation that fought in World War II. This legislation would cost about five billion a year over 4 years, while the average annual Social Security surplus will exceed one hundred twenty billion per year in the 90's. The chart below shows the comparison of annual costs of the Sanford-Hefner notch bill with annual surpluses projected under current law.



The biggest hurdle to getting a vote on Notch correction is the fact that Social Security Trust Funds are still being used to balance the budget. As long as that's the case, every dollar that could be used for Notch reform is pledged against the deficit. The following is a quote from a Guest Editorial by Sen. Ernest F. Hollings - "In recent years, Congress and the White House have made a fine art of bogus budgets, and the most shameful result of these shenanigans is the officially sanctioned plundering of the Social Security Trust Fund. --- In other words, each year we take the entire Social Security surplus, spend it on B-1 bombers, S & L bailouts, toxic waste dump cleanups, you name it; and then we put a stack of IOU's in the denuded Social Security Trust Fund."

We have been told that the Notch was created because of an error of Congress, but the method of correction seems to me to be very much a case of discrimination.

It is my sincere hope that this committee will report out favorably on HCR-5051. Thank you very much for your time.

*SPH & W
Attachment 1
4/4/90*

Kansas Silver-Haired Legislature, Inc.

APRIL 3, 1990

SENATOR ROY EHRLICH
PUBLIC HEALTH & WELFARE COMMITTEE
RM. 138-N
STATE CAPITOL
TOPEKA, KANSAS 66612

DEAR SENATOR EHRLICH:

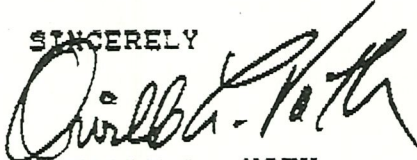
RE: HCR 5051

THE KANSAS SILVER HAired LEGISLATURE PASSED RESOLUTION
614 URGING THE KANSAS LEGISLATURE TO SUPPORT NATIONAL
LEGISLATION TO CORRECT THE INEQUITY OF NOTCH YEAR
SOCIAL SECURITY BENEFIT CUTS> THIS RESOLUTION RANKED
8th IN OUR PRIORITIES.

ON BEHALF OF THE SILVER HAired LEGISLATURE I URGE YOUR
COMMITTEE TO VOTE FAVORABLY ON HCR 5051. IN SO DOING,
KANSAS WILL JOIN AT LEAST FOURTEEN OTHER STATES THAT
HAVE PASSED NOTCH RESOLUTIONS URGING CONGRESS TO TAKE
CONCRETE ACTION.

THANK YOU FOR YOUR ATTENTION.

SINCERELY


ORVILLE L. VOTH
SPEAKER

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Lawrence, Kansas

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Attachment 2
4/4/90

TESTIMONY PRESENTED TO THE SENATE COMMITTEE ON PUBLIC HEALTH
AND WELFARE, APRIL 4, 1990.

My name is Mary Jane Hamilton and I am here to speak in
opposition to HCR 5051.

I want to preface my remarks by saying that even though I
am a District Aide on Senior Issues for Congressman Jim
Slattery, I am representing "me" and not the Congressman.

I have studied the "Notch Babies" situation for the five
years I have been an advocate for the older person.
Periodically I receive calls from people who have received a
letter from James Roosevelt asking for \$10.00 to help restore
benefits to the "Notch Babies" or from the new organization
"END" (End Notch Discrimination) which asks for \$25.00 plus
another \$5.00 for mailings. I find these mailings to be
deliberately misleading, and they unnecessarily agitate
seniors. They are primarily designed to raise money for the
senders.

My information has come from several sources: The
Congressional Research Service of the Library of Congress; the
National Academy of Social Insurance; and the Study Group on
Social Security.

Social Security recipients born between 1917 and 1921
often get lower benefits than persons born before them. The

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birth year period from 1917 to 1921 is called the "notch." These are the people presumably injured by the "notch" problem and have come to be known as "notch babies." They are unhappy because some Social Security beneficiaries who are slightly older are sometimes receiving higher benefits even though their earning histories under Social Security are similar. In fact, those in the older group are actually "bonanza babies," without whom there would be no "notch." The "notch babies" are getting what Congress intended. It is the "bonanza babies" getting "too much" that has caused the problem.

How did this happen? Congress decided in 1972 to index Social Security benefits to the cost of living; in other words, to give Social Security beneficiaries a cost-of-living increase every year. However, due to a mistake in the formula used to compute benefits and increases, the annual inflation adjustment was factored in twice. What Congress did not realize then was that each time they gave retirees a raise (COLA), they were also increasing amounts in the benefit table used to compute benefits for new and future retirees. The result was that new retirees began receiving benefits that reflected the same period of inflation twice: through the increased benefit table and through increases in their earnings that had occurred at the same time. This double-whammy benefit increase, combined with the very high inflation of the 1970's, meant that overall benefit levels increased far more than intended; the Social Security system was going broke; and if this formula had been left in place, many people would be getting benefits higher than what they earned while they were working.

In 1977, then, Congress did the right and logical thing: they took corrective action to deal with the double-indexing mistake. The correction was the implementation of what is called the "new formula." However, by the time Congress realized what was the matter and got around to fixing it, many people had already been overcompensated. Since taking away benefits from people who already have them is very harsh treatment, Congress decided to leave alone those people who had already retired or passed the age of 62 under the faulty rules, but straighten things out for the following generations, beginning with the "notch babies."

Inevitably this meant that younger retirees would get somewhat less on average than those slightly older. However, Congress even included transitional rules giving the 1917-1921 generation somewhat favored treatment compared with those, with comparable earnings records, who are younger than they. The transitional formula used for the "notch babies" is a combination of the "old" and the "new". The "new" formula is the one used to compute Social Security benefits for everyone born after 1921.

I know what the "notch babies" want -- the same unplanned-for high benefits that the "bonanza babies" are getting. This would cost the Social Security trust fund \$300 billion over the next 15 years. Should benefits be increased for "notch babies" only? When should the "notch" end? What about all those born after 1921? What about those born after 1928, or 1953, or 1990? Who will pay the bills?

Despite media attention to the current "surplus" in the Social Security trust fund, it is important to keep a few points in mind:

1. The surplus is a surplus on paper only. The money is actually being used to run day to day operations of the federal government, and disguises the actual size of the federal deficit.

2. The surplus will be depleted by the increasing numbers of retirees, especially the "baby boomers," who may actually outnumber the workers who must fund their benefits.

3. The amount of FICA taxes workers must pay to support the social security system continues to rise, while these same workers will need to remain employed until a later age to enjoy full social security benefits themselves. To what extent is it right to overburden future workers to overpay a small group of retirees? In a letter to the Chairman of the House Subcommittee on Social Security opposing "notch" legislation, the National Council of Senior Citizens said, "To now willfully overcompensate any group of beneficiaries at the expense of others would be a terrible disservice to the system, and to all current and future beneficiaries."

Because "notch babies" receive equitable benefits, consistent with or higher than those received by retirees born after 1921, there is no inequity to be addressed. The truth is, there is no compelling reason to provide "notch babies" with the same windfall provided to those born before 1916, simply because those earlier retirees benefitted from an unintended and unnoticed mistake.

MARVIN A. KAISER, Ph.D., *Chairperson*
MARY ANN GABEL, *Executive Director*



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913/296-3240 KANS-A-N 561-3240

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JOHN PREBLE

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Social Work
CLARICE HARRIS, MSW
MARVIN A. KAISER, Ph.D.

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Social Workers

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Professional Counselors

TESTIMONY BEFORE THE PUBLIC HEALTH AND WELFARE COMMITTEE

H.B. 3002

APRIL 4, 1990

CHAIRPERSON EHRLICH, VICE-CHAIRPERSON LANGWORTHY AND COMMITTEE MEMBERS:

I am ^{MARY ANN GABEL} ~~Dr. William L. Albott~~, Vice-Chairperson of the Behavioral Sciences Regulatory Board. I am appearing before you today on behalf of the Behavioral Sciences Regulatory Board in support of H.B. 3002, which was introduced at the board's request, amended in the House Appropriation's Committee, and passed the House as amended.

This legislation authorizes increases in the statutory limitations of licensure/registration application, renewal, and examination fees for three of the four regulated professional groups under the board's jurisdiction. These increases will enable the board to amend its rules and regulations on fees, increases that are necessary for the following reasons:

- 1) Increased costs to the board to purchase national examinations;
- 2) costs associated with utilizing the services of a private investigator;

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- 3) salary and wages to fund a permanent, part-time OA II position; and
- 4) funding for a recommended salary increase for the board's Executive Director, pursuant to a settlement agreement.

NATIONAL EXAMINATIONS

Effective October 6, 1989, the cost to purchase the Examination for the Professional Practice in Psychology (EPPP), the national examination used for psychology licensure, increased from \$90 to \$135. The rules and regulations are in the process of being amended to reflect a cost of \$175 per applicant, with 20% of this fee going directly to the state general fund. This latest increase places the psychology examination fee within \$25 of the current statutory limitation.

Beginning January, 1991, the cost to purchase social work examinations from the national testing company will increase from \$50 to \$90 per examination booklet for all levels of social work licensure. The social work statutory limitation for examination fees is currently \$75; therefore, the board fee fund will be required to subsidize each new applicant unless this limitation is increased. The board has neither the resources to subsidize this group of persons, nor does it believe it appropriate to do so.

PRIVATE INVESTIGATOR

Since the board's inception, beginning with FY'81, it has experienced an increasing number of complaint filings. Given this numerical increase, the increased complexity of the cases, and the limited investigatory resources available through the Attorney General's Office, the board finds it needs access to the services of a private investigator. Failure to fully and timely investigate complaints seriously compromises the board's capacity to protect the public. The board is presently exploring with its legal counsel issues of liability and employment verses contractual agreement with an investigator.

SALARY AND WAGES - PERMANENT, INTERMITTENT OA II POSITION

Through the budget process, the board has stressed the need for additional clerical staff. Current staff is unable to keep up with the demands of the office. The board has diverted funding from the permanent part-time social work position to enable it to utilize intermittent clerical help to address this need. The use of intermittent clerical staff, however, is not efficient given the time spent in training, etc., and makes this use only minimally effective. The current levels of clerical staff allow for 1.9 hours per year per regulated person to accomplish the following for each regulated person: application, continuing education, renewal, inquiries, etc. Complaints about the speed (slowness) with which the board responds to questions, complaints, processing of applications, etc. are the result of not enough staff. The

result of the board's "robbing Peter to pay Paul" has decreased the availability of objective needed consultation and expertise to the board's Executive Director.

SALARY INCREASE FOR EXECUTIVE DIRECTOR

The Executive Director's salary was projected at \$28,420. Pursuant to legal settlement, this figure was subject to a salary survey conducted by the Department of Administration, which was completed on January 12, 1990. On February 5, 1990 the board voted and recommended to the Governor that this salary be set at \$35,125 for FY'90. This action will necessitate an increase of \$6,704 plus fringes in the current budget and future budgets, plus any cost of living and/or merit pay increases authorized by the Governor.

DOLLAR EFFECT ON THE BOARD'S FEE FUND

The board's total budget for FY'91 was approved by the House at \$260,004. In order to provide sufficient revenue to fund the board's operation, in addition to the board's FY'90 carryover fee fund balance projected to be \$59,329 (projected FY'90 revenue of \$284,534 less expenditure limitation of \$225,205), the board will adopt amended rules and regulations to increase all licensure/registration fees. Examination fees are not considered in revenue estimates since these fees tend to "pass through" the agency, with minimal amounts retained in the board fee fund.

The social work and professional counselor application and renewal fees are currently within \$5 of the statutory limitation. The psychology application and renewal fees are at the statutory limitation.

The board will determine the amount of the proposed fees in the next four-to-six months. Attached are possible increases to be considered with the resulting revenue figures projected for FY'91.

Thank you for giving me the opportunity to appear before you today. I will be happy to attempt to answer any questions you may have.

Attachment

PROJECTED APPLICATION AND RENEWAL FEE INCREASES FY'91

<u>RENEWAL FEES:</u>	<u>Current Fees</u>	<u>\$10 Increase</u>	<u>\$15 Increase</u>	<u>\$20 Increase</u>	<u>\$25 Increase</u>
1,245 Social Work @ \$70	\$ 87,150	\$ 99,600	\$105,825	\$112,050	\$118,275
191 Professional Counselors @ \$75	14,325	16,235	17,190	18,145	19,100
10 Psychology Late Renewals @ \$100	<u>1,000</u>	<u>1,100</u>	<u>1,150</u>	<u>1,200</u>	<u>1,250</u>
Gross Sub-total Renewals	\$102,475	\$116,935	\$124,165	\$131,395	\$138,625
 <u>APPLICATIONS:</u>					
475 Social Work @ \$70	33,250	38,000	40,375	42,750	45,125
30 Psychology @ \$100	3,000	3,300	3,450	3,600	3,750
100 Professional Counselors @ \$75	7,500	8,500	9,000	9,500	10,000
100 Master Level Psychologists @ \$75	<u>7,500</u>	<u>8,500</u>	<u>9,000</u>	<u>9,500</u>	<u>10,000</u>
Gross Sub-total Applications	\$ 51,250	\$ 58,300	\$ 61,825	\$ 65,350	\$ 68,875
Gross Sub-total Renewals & Applications	\$153,725	\$175,235	\$185,990	\$196,745	\$207,500
Less 20% to State General Fund	<u>(30,745)</u>	<u>(35,047)</u>	<u>(37,198)</u>	<u>(39,349)</u>	<u>(41,500)</u>
Net Projected Revenue	\$122,980	\$140,188	\$148,792	\$157,396	\$166,000

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KANSAS NASW

National Association of Social Workers, Inc.

Chapter Office
817 West Sixth Street
Topeka, Kansas 66603

Telephone: 913-354-4804

Gigi Felix, LMSW
Executive Director

TESTIMONY ON HB3002

TO THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

APRIL 4, 1990

Senator Ehrlich, and members of this committees, I am Gigi Felix, LMSW, the Executive Director of K-NASW. On behalf of my Board of Directors, I am **speaking in SUPPORT of HB3002**. As you probably are aware, we are the professional organization which represents almost 1500 professional social workers across the state, and are concerned about the implications of the Behavioral Sciences Regulatory Board possibly closing their doors for lack of adequate funds. HB3002, if passed **IN ITS CURRENT FORM** should stop that from occurring.

It is our understanding from Dr. Marvin Kaiser - the President of the BSRB Board - that without this minimal increase in their fees, the BSRB would cease to function within three years, and without a raise in allowed fees for application (test fees), they will be unable to give licensing tests as of Jan, 1991; this would be the end of license issuance, and is unacceptable.

As you know, K-NASW has been working actively with your committee, and your counterpart in the House, to ensure the high standards for the profession's licensing requirements are maintained within our state. Part of the assurance for high standards is the ongoing work of an independent regulatory body. Independence of that body is mandatory to enable fair and unencumbered decisions of the ethical and professional work that licensees perform for Kansans. With a regulatory body which is NOT independent, ethical and "conflict of interest" questions automatically arise, and standards of monitoring the professionals are in question. The professional community would absolutely oppose a "state connected" regulatory body which is a real possibility if BSRB closes its doors.

Why are high standards important for the licensing of professional social workers in Kansas? At this point, I hope I don't need to explain this issue in detail to this committee. As you know, Social Work licensing requirements currently demand a solid educational base, courses in ethics and values, family dynamics, individual growth and development, and "Systems Theory" which is a comprehensive way

SPH & W
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KANSAS NASW

National Association of Social Workers, Inc.

Chapter Office

817 West Sixth Street

Topeka, Kansas 66603

Telephone: 913-354-4804

to look at a problem/client/family/ etc. to name a few. Accredited programs meet **national standards** formulated and monitored by the Council on Social Work Education (CSWE) for these courses and the full required curriculum. Social Work is not something that "anyone" can do, and not all "social work programs" meet the national standard. Those programs that do not, are not accredited - because they are not first rate. (There are 10 accredited BSW programs in Kansas, and 1 accredited MSW program.)

At a time when the state's social services to Kansans is coming under close scrutiny (the class action suit in litigation at this time), and the quality of services performed and the conditions under which they are performed are receiving high media coverage, this seems to be the worst possible time to even consider lowering any facet of these standards, and the continued operation of an independent regulatory board is an essential part of this goal.

IN SUMMARY: High standards for the social work professional is of utmost importance to ensure quality services are being performed for your constituents. The Social Work Coalition, with members from almost every social work area of practice, and the Kansas CSWE joins NASW in support of HB3002. The professional community is united on this issue, and will be active in the both the legislative process and the regulatory hearings.

Thank you for giving me this opportunity to speak with you again today. I will be glad to try and answer any questions you may have.

Proposed Amendment to House Bill No. 3002
(As Amended by House Committee)

Be Amended:

On page 5, preceding line 10, by inserting the following:

"Sec. 10. K.S.A. 1989 Supp. 74-5363 is hereby amended to read as follows: 74-5363. (a) Any person who desires to be registered under this act shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain appropriate documentation of the particular qualifications required by the board and shall be accompanied by the required fee.

(b) The board shall register as a registered masters level psychologist any applicant for registration who pays the fee prescribed by the board under K.S.A. ~~1987~~ 1989 Supp. 74-5365 and amendments thereto, which shall not be refunded, who has satisfied the board as to such applicant's training and who complies with the provisions of this subsection (b). An applicant for registration also shall submit evidence verified under oath and satisfactory to the board that such applicant:

(1) Is at least 21 years of age; (2) has received at least a master's degree in clinical psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas or has received a master's degree in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; (3) has completed 750 clock hours of academically supervised practicum or 1,500 clock hours

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of postgraduate supervised work experience; and (4) is in the employ of a Kansas licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, a duly chartered educational institution, a medical care facility licensed under K.S.A. 65-425 et seq. and amendments thereto or a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto and whose practice is a part of the duties of such applicant's paid position and is performed solely on behalf of the employer.

(c) Until October 1, 1988, the board shall waive the educational or degree and supervision requirements, or all such requirements, under subsection (b) so long as the person applying for registration as a registered masters level psychologist has a graduate degree and either (1) has been employed for at least three years as a psychologist by a licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a medical care facility licensed under K.S.A. 65-425 et seq. and amendments thereto or a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto; or (2) as of July 1, 1987, was employed in this state as a psychologist or was recognized as a masters level psychologist by the professional standards committee of the association of community mental health centers of Kansas.

(d) Upon application for registration as a registered masters level psychologist made prior to January 1, 1989, the board shall waive the educational, degree and supervision requirements under subsection (b) and shall grant such registration if the applicant for registration at the time of application has been employed for 10 years or more as a psychologist by an institution within the department of social and rehabilitation services, as defined under K.S.A. 76-12a18 or 76-12b01, and amendments to such sections.

(e) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under item (2) of subsection (b). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of item (2) of subsection (b) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board."

And by renumbering sections accordingly;

Also on page 5, in line 11, by inserting before "74-5365" the following: "74-5363,";

On page 1, in the title, line 12, preceding "amending" by inserting the following: "authorizing rules and regulations establishing certain educational criteria;"; in line 14, by inserting before "74-5365" the following: "74-5363,";



Kansas Association of Homes for the Aging

Enhancing the quality of life of those we serve since 1953.

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MEMORANDUM

Date: April 4, 1990 To: SENATE PUBLIC HEALTH AND WELFARE COMMITTEE From: John R. Grace, President Kansas Association of Homes for the Aging

RE: House Bill No. 3003

We support HB No. 3003 as amended by the House.

House Bill 3003 would make a number of changes to the current long term care ombudsman program in Kansas. Many of these changes were required by Federal law.

House Bill 3003 was amended by the House Public Health and Welfare Committee based upon input and suggestions from Health and Environment, consumers and providers of long term care services.

We believe the bill in its present form meets the best interests of the Department on Aging and the residents of adult care homes.

If there are questions re: HB 3003, we would be glad to respond.

Thank you Mr. Chairman and members of the committee.

SPH + W Attachment #7 4/4/90



KHCA

Member of
ahca

Kansas Health Care Association

221 SOUTHWEST 33rd STREET
TOPEKA, KANSAS 66611 • 913-267-6003

DATE: April 4, 1990
TO: Senate Public Health and Welfare Committee
SUBJ: POSITION ON H.B. 3003, LONG TERM CARE OMBUDSMAN

We support H.B. 3003 in its present form as amended by the House.

This association, representing 220 adult care homes (nursing facilities), both proprietary and non-profit, supports the long term care ombudsman (LTCO) program and concept, which has been heralded as one of the best in the nation in the past and a model for other states.

Simply so because it has been operated in a professional, responsible and impartial manner, the way all ombudsman's programs should function.

The bill, as amended, now brings the program into compliance with the federal provisions of the 1987 amendments to the Older Americans Act (OAA), which was the reason the bill was requested by the Kansas Department on Aging,

We, and other conferees, had opposed two major policy changes proposed in the original bill:

- Volunteer ombudsman. The reason: Inspection, investigation and resolution of complaints needs to stay in the hands of professionally trained and qualified persons.
- Civil assessments for the interference with the LTCO and fines deposited into the LTCO enforcement fund. The reason: Adult care homes now may be fined by the Department of Health and Environment for licensure infractions. Assessing fines exceeds the authority granted under the OAA. Interference (page 2, lines 34-35) is a misdemeanor; this is more practical.

We appreciate the diligent effort and time spent by the House Committee on this bill and support it in its present form.

I would be happy to answer any questions.

CONTACT: Dick Hummel, Executive Vice President

*SPK & W
Attachment 8
4/4/90*

Lyndon Drew

TESTIMONY ON HB 3003
LONG TERM CARE OMBUDSMAN
BEFORE THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

BY THE
KANSAS DEPARTMENT ON AGING
APRIL 4, 1990

Mr. Chairman and members of the Committee, the Kansas Department on Aging needs to revise the statute authorizing the Long Term Care Ombudsman program to conform with the 1987 Older Americans Act Amendments. House Bill 3003 makes such revisions.

The bill incorporates many changes from the House. These changes include:

- 1. the elimination of local ombudsmen;
- 2. the use of criminal sanctions for retaliation;
- 3. the deletion of the provision on exit conferences.

The Kansas Department on Aging agrees with all of these changes and recommends passage of the bill as written. However, the Department has reservations.

Local Ombudsmen

The language has eliminated local ombudsmen, professional and volunteers. The Department believes that this language fails to fulfill the intent of the Older Americans Act.

The Act requires state units on aging to "include any area or local ombudsman entity designated by the State Long Term Care Ombudsman as a subdivision of the Office (of the State Long Term Care Ombudsman)" (Sec. 307(a)(12)(H)(vi)). House Bill 3003 limits the definition of ombudsman to the state and regional ombudsmen who are employees of the Department (Sec. 6(a)). Area and local ombudsmen are eliminated (Sec. 8(h)).

Retaliation/Willful Interference

A second change in the House substituted a criminal penalty for an administrative remedy in the case of retaliation of reporting or willful interference (Sec. 5(c)). The original bill provided civil penalties for retaliation against employees and residents who communicate with the ombudsman and willful interference with the ombudsman. The revised bill provides for a class C misdemeanor. The Department believes that an administrative remedy will be more effective because the offense may be given more attention by the state agency than in the county courthouse, due to the congestion in the courts. We will compare our experience with the experience of other states who are now enacting similar legislation. It is too early to know which way is more effective.

SP/4W
Attachment #9
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Exit Conferences

A third change deletes the provision on exit conferences (Sec. 8(j)). The Department on Aging understands that the Department of Health and Environment agrees to ombudsman participation in exit conferences. Inclusion in the law is unnecessary because this issue can be resolved by a written agreement between the agencies.

Conclusion

With the reservations, the Department does support the bill as written. The Long Term Care Ombudsman Program is sometimes the best advocate available to nursing home residents. We ask for your support.

LD:mj.634



KINH Kansans for Improvement of Nursing Homes, Inc.

913 Tennessee, suite 2 Lawrence, Kansas 66044 (913) 842 3088

TESTIMONY PRESENTED TO
THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE
CONCERNING HB 3003
THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN

April 4, 1990

Mr. Chairman and Members of the Committee:

Kansans for Improvement of Nursing Homes has strongly supported the office of long-term care ombudsman in their efforts to investigate and find solutions to problems and complaints of nursing home residents and their families. We affirm the need for such activities by an agency whose only concern is the best interest of the nursing home resident, supplementing the role of the regulatory agency whose responsibility it is to enforce regulations and standards of care. We support the recent requirements of the Older Americans Act and the Nursing Home Amendments of the Omnibus Budget Reconciliation Act to strengthen the ombudsman's role and to assure that office of the tools needed to fulfill their assigned function.

We are in agreement with HB 3003, as amended, which brings the Kansas office of long-term care ombudsman into conformity with the new provisions of federal law. Quite simply, it defines the responsibilities of the office, strengthens the investigative authority of the ombudsman, assures that state and regional ombudsmen will be appropriately trained, and further outlines the coordination of activities of the long term care ombudsman with those of the other state agencies involved in complaint investigation and resolution.

KINH asks your support for HB 3003 as amended.

*SPH & W
Attachment # 10
4/4/90*